

MAY 03 2006

FACSIMILE

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| FROM | Greg Stephens |
| DATE | May 3, 2006 |
| TIME | |

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Remarks:

UNITED STATES Application Ser. No. 10/711,599
Applicant: Mehrzad Asadi
Filed: September 28, 2004

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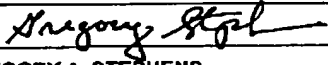
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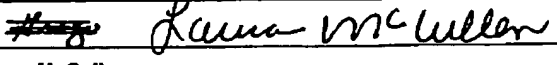
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/711,599 | |
| | Filing Date | September 28, 2004 | |
| | First Named Inventor | Mehrzasd Asadi | |
| | Art Unit | 2686 | |
| | Examiner Name | Khan, Suhail | |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | U04-0271.108 |

| ENCLOSURES (check all that apply) | | |
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REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant submits that the current and immediately preceding office actions issued by the Examiner in the present application contain clear errors in the Examiner's rejections as well as omissions of one or more essential elements needed for a prima facie rejection.

The Examiner has rejected claims 1-9 under 35 USC 102(e) based on "*Digital Cellular Telecommunication System (Phase 2+)*", by Sophia Antipolis Cedex (hereinafter "Cedex"). The cited reference is actually a technical specification produced by the European Telecommunications Standards Institute (ETSI) 3rd Generation Partnership Project (3GPP). It is a "standards" document that describes core network protocols for the layer 3 mobile radio interface specification for the Universal Mobile Telecommunications System (UMTS).

With respect to the 35 USC 102(e) rejection, it is applicant's belief that the Examiner has mischaracterized the Cedex reference as applied to the present invention.

The present invention is directed toward a solution for a specific problem or scenario that can arise in the operation of a portable mobile communications device (e.g., mobile phone or mobile station (MS)) under the parameters of the GSM technical standard (Cedex). The specific problem addressed by the present invention, however, is not addressed in Cedex. The problem addressed by the present invention involves re-attaching a mobile station to a GPRS or EDGE network following the receipt of a network detach receipt in which the network detach request includes a detach type parameter of "re-attach not required" AND a detach cause that is null. Null means that the detach cause parameter is not specifically enumerated in the GSM technical specification.

The Examiner has parsed the GSM technical specification to draw attention to the "Detailed Description of the MS Behaviour in State GMM-DEREGISTERED" of section 4.2.4.2. The Examiner has specifically cited section 4.2.4.2.2 which describes the substate of "Attempting to Attach". To be sure this section does describe how the MS will behave when attempting to attach to the network. However, this section of the specification presupposes that the MS was either instructed to attach to the network OR that the user manually initiated an attachment to the network. Neither of these options is applicable to the present invention because the present invention explicitly claims that a reattach will (under specific circumstances) be automatically attempted even when the detach type parameter states "reattach not required".

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Thus, it is impossible for the Cedex specification to perform the steps claimed by the present invention in independent claims 1, 4 and 7. Cedex says "re-attach not required" therefore the MS will not automatically attempt to attach back to the network. The present invention, however, analyzes the situation further to determine why (the cause code) the detach occurred regardless of the detach type parameter being "reattach not required". So long as the cause code is not specifically handled by the Cedex specification, the present invention is free to implement its own novel procedures. This is exactly what has been claimed. A "null" cause code means that the Cedex spec will not take any further action and therefore leave the MS unattached to the network in the de-registered state. The present invention will take further action under this set of circumstances by automatically initiating a re-attach under 4.2.4.2.2 upon expiry of the timeout parameters.

The scenario described above is clearly set out in independent claim 1 below. In addition, independent claims 4 and 7 recite similar elements and/or steps to claim 1 from a different perspective (computer program product, and 'means for' system).

1. A method of automatically re-establishing a GPRS/EDGE connection between a mobile station and a network following a successfully executed network detach request, the method comprising:

in the mobile station:

determining if a detach type parameter associated with the network detach request is set to re-attach not required;

if the detach type parameter associated with the detach request is set to re-attach not required, and the detach cause parameter associated with the detach request does contain a null value, then monitoring a timeout parameter; and

automatically initiating a GPRS/EDGE re-attachment with the network upon expiration of the timeout parameter.

The key difference is that Cedex demonstrates how a mobile station will automatically attempt to re-attach when the detach type parameter is set to re-attach required while the present invention describes and claims how a mobile station will automatically attempt to re-attach when the detach type parameter is set to re-attach not required. As the parameter

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name suggests, re-attach not required implies that an automatic GPRS re-attach will not take place according to the specification. That is why the GSM technical specification is silent with respect to the procedures described and claimed by the present invention.

Pursuant to the GSM technical specification, when the detach type parameter is set to re-attach not required there are specific guidelines that govern the behaviour of the mobile station. These guidelines are based on the detach cause parameter (received cause code) and are explicitly set out on pages 115-117 of the GSM technical specification. Of particular note is the statement in the GSM technical specification on page 117 that states, "Other cause values shall not impact the update status. Further actions of the MS are implementation dependent."

The present invention is precisely an implementation based on other causes. The concept behind the present invention is that the network erroneously sent the network detach request or experienced a condition that was not able to be processed under the GSM technical specification leading to the network detach request of the type described by the present invention. In such a scenario under the present invention the mobile station will attempt to re-attach to the GPRS network in the absence of specific instructions not to. Since the scenario described and claimed does not fall within the scope of the GSM technical specification, an automatic GPRS re-attach can be attempted.

Based on the foregoing, applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of claims 1 - 9.

The Examiner is authorized to charge any fees required and not paid herein, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

Dated: May 3, 2006

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